

Notice of Allowability

Application No.

09/682,194

Examiner

Stephen J. Lechert Jr.

Applicant(s)

PERCIVAL, JEFFREY D.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to the election of April 19, 2004.
 - The allowed claim(s) is/are 11-19 re-numbered as 1-9 respectively.
 - The drawings filed on 03 August 2001 are accepted by the Examiner.
 - Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
a) All b) Some* c) None of the:
 - Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No _____.
 - Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE
- A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
 - DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date 9-5-2001
- Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413),
 Paper No./Mail Date _____
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other _____

Stephen J. Lechert Jr.
Primary Examiner
Art Unit 1732

DETAILED ACTION

- 1. The examiner acknowledges applicant's election of Claims 11-24 drawn to a method or thermoforming and a product thereof. However, when processing the case to issue, the product claims which are not handled by the instant examiner required further restriction.**
- 2. The examiner is re-restricting claims 1-24 as follows:**
- 3. Restriction to one of the following inventions is required under 35 U.S.C. 121:**

- I. Claims 1-10, drawn to a system of thermoforming a polymer sheet, classified in class 425, subclass 90+.**
- II. Claims 11-19, drawn to a method of thermoforming a polymer sheet, classified in class 264, subclass 129.**
- III. Claim 20-24, drawn to a laminated product, classified in class 428, subclass 411.1+.**

The inventions are distinct, each from the other because of the following reasons:

- 4. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1)**

the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method of claimed can be practiced by another materially different apparatus for example, a heated platen means brought into contact with the polymer sheet to thermoform the sheet over the platen and does not require apparatus as claimed in the Group I claims.

5. Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be formed by laminating steps and coating steps do not require the thermoforming method as claimed in the group II claims.

6. Inventions I and III are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the

following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product as claimed can be made by a laminating apparatus wherein sheets are layered upon each other followed by bonding and does not require the thermoforming apparatus as claimed in the Group I claims.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

8. Because these inventions are distinct for the reasons given above and the search required for any one Group is not required for the other Groups, restriction for examination purposes as indicated is proper.

9. During a telephone conversation with Ms. Rodgers on June 2, 2004 a provisional election was made with traverse to prosecute the

invention of Group II, claims 11-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-10 and 20-24 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

10. Action on the merits of claims 11-19 follows:

11. Claims 11-19 are free of the prior art.

12. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Rodgers on June 2, 2004.

The application has been amended as follows:

In the Title:

Delete "System" and insert --Process--

In Claims:

Cancel claims 1-10 and 20-24 without prejudice, applicant reserves the right to file divisional applications.

Claim 12, line 1, delete "10" insert -11-

Claim 16, delete "is selected from the group consisting of high temperature coating composition sold under the trademark PITT-THERM™ and insert -includes silicon-

13. The following is an examiner's statement of reasons for allowance:

The invention relates to a process for thermoforming a polymer sheet comprising the steps of positioning a polymer sheet on a stretchable web, supported by a platen, positioned in space relative to a mold; heating the polymer sheet to a thermoformable temperature and lowering the platen over the mold to effectively engage the sheet with the mold and thereby enable the polymer sheet to conform to the shape of the mold.

The concept of providing a stretchable web has not been taught or fairly suggested by the prior art and prevents wear and

abrasion resistance while the platen is thermoforming the polymer sheet over the mold surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

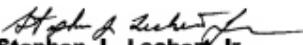
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gates, Knoll and Alessi et al. all teach thermoforming methods but do not teach the concept of using a stretchable web supported by a platen positioned in space relative to a mold.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Lechert Jr. whose telephone number is 571-272-1203. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on

571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen J. Lechner Jr.
Primary Examiner
Art Unit 1732